

Lac, Wisconsin, as the Lieutenant Colonel James “Maggie” Megellas Post Office, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WOMACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 108]

YEAS—406

Abraham	Collins (GA)	Fudge
Adams	Collins (NY)	Gabbard
Aderholt	Comstock	Gallego
Aguilar	Conaway	Garamendi
Allen	Connolly	Garrett
Amash	Conyers	Gibbs
Amodei	Cook	Gibson
Ashford	Cooper	Gohmert
Babin	Costello (PA)	Goodlatte
Barletta	Courtney	Gosar
Barr	Cramer	Gowdy
Barton	Crawford	Graham
Bass	Crenshaw	Granger
Becerra	Crowley	Graves (GA)
Benishek	Cuellar	Graves (LA)
Bera	Culberson	Graves (MO)
Beyer	Cummings	Grayson
Billirakis	Curbelo (FL)	Green, Al
Bishop (GA)	Davis (CA)	Griffith
Bishop (MI)	Davis, Danny	Grijalva
Bishop (UT)	Davis, Rodney	Grothman
Black	DeFazio	Guinta
Blackburn	DeGette	Guthrie
Blum	Delaney	Gutiérrez
Bonomaci	DeLauro	Hahn
Bost	DelBene	Hanna
Boustany	Denham	Hardy
Boyle, Brendan F.	Dent	Harper
Brady (PA)	DeSantis	Harris
Brady (TX)	DeSaulnier	Hartzler
Brat	DesJarlais	Hastings
Bridenstine	Deutch	Heck (NV)
Brooks (AL)	Diaz-Balart	Heck (WA)
Brooks (IN)	Dingell	Hensarling
Brown (FL)	Doggett	Hice, Jody B.
Brownley (CA)	Dold	Higgins
Buchanan	Donovan	Hill
Buck	Doyle, Michael F.	Himes
Bucshon	Duckworth	Holding
Burgess	Duffy	Honda
Bustos	Duncan (SC)	Hoyer
Butterfield	Duncan (TN)	Hudson
Calvert	Edwards	Huelskamp
Capps	Ellison	Huffman
Capuano	Ellmers (NC)	Huizenga (MI)
Carney	Emmer (MN)	Hultgren
Carson (IN)	Engel	Hunter
Carter (GA)	Eshoo	Hurd (TX)
Carter (TX)	Esty	Hurt (VA)
Cartwright	Farenthold	Israel
Castor (FL)	Farr	Issa
Castro (TX)	Fattah	Jackson Lee
Chabot	Fincher	Jeffries
Chaffetz	Fitzpatrick	Jenkins (KS)
Chu, Judy	Fleischmann	Jenkins (WV)
Cicilline	Fleming	Johnson (GA)
Clark (MA)	Flores	Johnson (OH)
Clarke (NY)	Forbes	Johnson, E. B.
Clawson (FL)	Fortenberry	Johnson, Sam
Clay	Foster	Jolly
Cleaver	Foxo	Jones
Clyburn	Frankel (FL)	Jordan
Coffman	Franks (AZ)	Joyce
Cohen	Frelinghuysen	Kaptur
		Katko

Keating	Mooney (WV)
Kelly (IL)	Moulton
Kelly (MS)	Mullin
Kelly (PA)	Murphy (FL)
Kennedy	Murphy (PA)
Kildee	Nadler
Kilmer	Neal
Kind	Neugebauer
King (IA)	Newhouse
King (NY)	Noem
Kinzinger (IL)	Nolan
Kirkpatrick	Norcross
Kline	Nugent
Knight	Nunes
Kuster	O'Rourke
Labrador	Olson
LaHood	Palazzo
LaMalfa	Pallone
Lamborn	Palmer
Lance	Paulsen
Langevin	Payne
Larsen (WA)	Pearce
Larson (CT)	Pelosi
Latta	Pittenger
Lawrence	Perlmutter
Lee	Perry
Levin	Peters
Lewis	Peterson
Lieu, Ted	Pingree
Lipinski	Pittenger
LoBiondo	Pocan
Loebsack	Poe (TX)
Loftgren	Poliquin
Long	Polis
Loudermilk	Pompeo
Love	Posey
Lowenthal	Price (NC)
Lowe	Price, Tom
Lucas	Rangel
Luetkemeyer	Ratcliffe
Lujan Grisham (NM)	Reed
Lujan, Ben Ray (NM)	Reichert
Lummis	Renacci
Lynch	Ribble
MacArthur	Rice (NY)
Maloney, Carolyn	Rice (SC)
Maloney, Sean	Richmond
Marchant	Rigell
Marino	Roby
Massie	Rogers (AL)
Matsui	Rogers (KY)
McCarthy	Rohrabacher
McClintock	Rooney (FL)
McCollum	Ros-Lehtinen
McGovern	Roskam
McHenry	Ross
McKinley	Rothfus
McMorris	Rouzer
Rodgers	Royce
McNeerney	Ruiz
McSally	Ruppersberger
Meadows	Rush
Meehan	Russell
Meeks	Ryan (OH)
Meng	Salmon
Messer	Sánchez, Linda T.
Mica	Sanford
Miller (FL)	Sarbanes
Miller (MI)	Scalise
Moolenaar	Schakowsky
	Schiff
	Schrader
	Schweikert

NAYS—1

Young (AK)

NOT VOTING—26

Beatty	McCaul	Rokita
Blumenauer	McDermott	Roybal-Allard
Byrne	Moore	Sanchez, Loretta
Cárdenas	Mulvaney	Smith (WA)
Cole	Napolitano	Wagner
Costa	Pascrell	Welch
Green, Gene	Pitts	Westmoreland
Herrera Beutler	Quigley	Zinke
Hinojosa	Roe (TN)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1039

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE. Mr. Speaker, I was unavoidably detained and not present for rollcall vote No. 108. Had I been present, I would have voted “yea” on final passage of S. 1826, to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James “Maggie” Megellas Post Office.

BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS ACT OF 2016

Mr. WHITFIELD. Mr. Speaker, pursuant to House Resolution 635, I call up the bill (H.R. 4557) to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 635, the bill is considered read.

The text of the bill is as follows:

H.R. 4557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Blocking Regulatory Interference from Closing Kilns Act of 2016”.

SEC. 2. EXTENDING COMPLIANCE DATES (PENDING JUDICIAL REVIEW) OF RULES ADDRESSING NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING OR CLAY CERAMICS MANUFACTURING.

(a) EXTENSION OF COMPLIANCE DATES.—

(1) EXTENSION.—Each compliance date of any final rule described in subsection (b) is deemed to be extended by the time period equal to the time period described in subsection (c).

(2) DEFINITION.—In this subsection, the term “compliance date” means, with respect to any requirement of a final rule described in subsection (b), the date by which any State, local, or tribal government or other person is first required to comply.

(b) FINAL RULES DESCRIBED.—A final rule described in this subsection is any final rule to address national emission standards for hazardous air pollutants (NESHAP) for brick and structural clay products manufacturing or clay ceramics manufacturing under section 112 of the Clean Air Act (42 U.S.C. 7412), including—

(1) the final rule entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing” published at 80 Fed. Reg. 65469 (October 26, 2015);

(2) the final rule entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing; Correction” published at 80 Fed. Reg. 75817 (December 4, 2015); and

(3) any final rule that succeeds or amends the rule described in paragraph (1) or (2).

(c) PERIOD DESCRIBED.—The time period described in this subsection is the period of days that—

(1) begins on the date that is 60 days after the day on which notice of promulgation of a final rule described in subsection (b) appears in the Federal Register; and

(2) ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including actions that are filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607))—

(A) that are filed during the 60 days described in paragraph (1); and

(B) that seek review of any aspect of such rule.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 4557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Today, we have the important opportunity to protect the American brick manufacturing industry and the ceramic kiln industry and its 7,000 employees from a costly regulation that has yet to survive a judicial scrutiny.

At this time, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP), one of the original sponsors of this bill.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I certainly appreciate the opportunity to speak on this bill.

I rise today in support of H.R. 4557, the Blocking Regulatory Interference from Closing Kilns Act, or the BRICK Act. This legislation is important to preserving the viability of brick manufacturing facilities all across the country.

Simply put, the BRICK Act pauses the EPA's 2015 National Emission Standards for Hazardous Air Pollutants until court challenges of the rule are resolved. I am very concerned that brick manufacturers in my district, as well as those in the districts of my colleagues, may be required to spend hundreds of thousands, if not millions, of dollars to satisfy an EPA requirement similar to the EPA's 2003 rule, a rule, it should be noted, that was vacated by the Federal courts.

□ 1045

For example, Cherokee Brick & Tile from Macon, Georgia, spent over \$1.5 million to install controls in order to comply with the EPA's invalidated 2003 rule.

Cherokee is a small, family-owned business, and as my colleagues with

small businesses in their districts can attest, \$1.5 million is a very substantial sum that can cut heavily into a bottom line. This rule impacts more than just Cherokee Brick & Tile in my State, but also General Shale and Pine Hall Brick, among others.

A basic material for home building and construction, bricks are more than just a figurative cornerstone in the United States construction industry. Passing this legislation would guarantee the EPA would wait until its 2015 emission standards are reviewed by the courts before implementing the rule and before manufacturers across the country are needlessly required to spend millions of dollars.

Mr. Speaker, I ask my colleagues to support H.R. 4557, the BRICK Act.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4557 is an unnecessary bill that would set a terrible precedent.

As the Statement of Administration Policy, which outlines the justification for President Obama's veto threat, states:

"H.R. 4557 would undermine the public health protections of the Clean Air Act by allowing further emissions of approximately 30 tons per month of toxic air pollution from brick and clay products production facilities. These toxic emissions include mercury, gases, and other hazardous metals which are associated with a variety of acute and chronic health effects, including cancers."

Mr. Speaker, the statement from President Obama goes on to say:

"Because H.R. 4557 threatens the health of Americans by allowing more toxic air pollution, if the President were presented with H.R. 4557, his senior advisers would recommend that he veto the bill."

Mr. Speaker, H.R. 4557 is the wrong remedy at the wrong time. Mr. Speaker, this bill is premature.

While I understand that the industry feels that it has been penalized for complying with the 2003 rule, that is not sufficient reason in itself to set up a unique process that incentivizes all parties that object to this rule to file endless challenges to the rulemaking.

The Brick and Clay Maximum Achievable Control Technology, or MACT, regulations that are the subject of this legislation are the subject of ongoing legal actions by industry and by public health communities across this Nation.

The courts already have the ability to grant a stay on this rule, yet for some reason the industry has not yet made that request to the court. But there are a number of pending cases filed by the industry on this very rule.

This week, Mr. Speaker, it was reported that the industry petitioned the court to put four suits on hold until the EPA decides whether to grant their requests to reconsider the regulations.

The pending decision by the court and by the EPA indicate that there is

no need for H.R. 4557, as there are ample remedies available under the Clean Air Act to address concerns about this rule. Additionally, Mr. Speaker, H.R. 4557 does not actually address the merits or the faults with the Brick and Clay MACT rules.

Instead, what this bill does is takes these rules and this rulemaking outside of the process in the Clean Air Act that allows the EPA to issue final rules with deadlines for their implementation, without waiting for the conclusion of all the appeals and all the reviews.

Mr. Speaker, this bill would also delay any subsequent rule issued that is similar in scope and similar in objective until any legal challenges to it were completed as well. In other words, Mr. Speaker, this bill allows an opportunity for endless lawsuits on this very issue.

I fear, Mr. Speaker, that if H.R. 4557 were to become law, we would end up in a situation where we would never, ever control air polluting emissions from these facilities, no matter how cost-effective or how necessary that rule might be. Mr. Speaker, this is a policy that we must reject.

As the Statement of Administration Policy also noted, if rules cannot go forward until all legal actions are complete, there is a strong incentive to use frivolous legal challenges to prevent any rules from being implemented.

Under that scenario, we never would have achieved the improvements in air quality and in public health that have been accomplished under the Clean Air Act. We know, Mr. Speaker, that the Clean Air Act has delivered many cost-effective health benefits to the American people over the years.

It has been demonstrated many times that we do not have to make a choice between healthy air and jobs in this Nation. We can have both.

We cannot agree, Mr. Speaker, to setting this precedent and establishing a process that will delay important public health protections and encourage, at the same time, frivolous legal challenges to our clean air rules.

The brick, clay, and tile industries would be better served by pursuing the options available to them right now under the Clean Air Act.

For all of these reasons, Mr. Speaker, I must urge all of my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman from Ohio (Mr. JOHNSON) for introducing this important bill. This is an industry that has been hard hit by the recession. It has lost 45 percent of its jobs. There are 70 of these plants around the country, and they employ 7,000 people.

I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON), the sponsor of the legislation.

Mr. JOHNSON of Ohio. Mr. Speaker, the BRICK Act would simply allow for the consideration and completion of any judicial review regarding the

EPA's 2015 National Emission Standards for Hazardous Air Pollutants for the brick, clay, and tile industries before requiring compliance.

So why is this important? Because this rule needlessly jeopardizes good-paying jobs all across America, as the chart right here next to me clearly demonstrates.

And for what reason? Why are they jeopardizing these jobs? The EPA itself concedes in the rule: "We do not expect that the combined emissions . . . would result in substantial cumulative health and environmental impacts."

Instead, the real health impacts due to this rule will be felt by the workers who lose their jobs, their health benefits, and even the education and training opportunities offered by their employers.

The brick industry primarily consists of small, family-owned businesses. They are often located in small communities that depend on the plant for good-paying jobs.

To comply with the EPA's requirement, these small businesses will be forced to borrow millions of dollars to pay for the required control technology. Many brick companies are already struggling to find the capital for plant modernization. I can't imagine how difficult it will be for these companies to secure the needed investments to pay for new control equipment, equipment that provides zero return on investment.

And let's not forget that the brick industry has already been through this before. The EPA finalized a similar rule in 2003 that required brick companies to spend millions of dollars on control equipment. A few years later, a Federal court vacated that rule.

Unfortunately, the brick industry couldn't roll back the clock and recover the investments they had made. Worse yet, the EPA's new emission rules use the reductions achieved by the vacated rule as the baseline for further reduction requirements, so the industry essentially got no credit for the hard work that they had already done.

This history further underscores why this legislation is so important. It also baffles me when I hear some of my colleagues say the BRICK Act is not needed because parties can already seek a judicial stay.

However, the EPA has effectively indicated, in a statement for the RECORD submitted to the Committee on Energy and Commerce, that they would oppose any requests to stay the rule.

Further, while the EPA's Clean Power Plan was recently stayed, the parties were only able to obtain relief by going to the U.S. Supreme Court. Here, the EPA's rule threatens the very existence of small brick and tile companies. These companies do not have unlimited resources to litigate against the Federal Government, and their jobs should not be put at risk due to a rule which has been vacated once already and has yet to be reviewed by the courts.

Mr. Speaker, the brick industry is part of our American culture. It has helped build some of the most iconic buildings, cities, and towns in existence in our country today. We must make certain our regulations and laws preserve this industry, not destroy it. The BRICK Act will do that.

I urge my colleagues to support this important legislation.

Mr. RUSH. Mr. Speaker, I have no additional speakers right now.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

I rise in favor of this very important, I think, legislation sponsored by my colleague from Ohio (Mr. JOHNSON). I want to thank him for his leadership on this bill because it is a very pro-growth jobs bill. I think it is very important that we pass this.

I happen to be the chairman of the House Committee on Small Business, and our Nation's brick industry is primarily made up of small, family-owned businesses that employ thousands of workers. In Ohio alone, brick companies directly employ more than 700 workers and ensure the livelihoods of thousands of other workers.

□ 1100

Brick is used to construct, as we all know, residential homes and has been used to build some of our country's most iconic landmarks, such as Independence Hall, the birthplace of this great Nation.

With the severe downturn in construction during the Great Recession, the brick industry suffered significantly and still has not fully recovered. The industry is operating at about 50 percent of its capacity and suffered a 45 percent job loss from 2005 to 2012.

Now, small brick manufacturers are facing a costly new EPA regulation that may make it impossible for them to keep their doors open. That means those jobs would go away.

Compliance will require many companies to remove and replace costly air pollution control equipment with new devices that may not be able to meet the new, stringent emissions standards.

It is estimated to cost \$4.4 million to retrofit two kilns—the average number of kilns in a facility—with the new pollution control equipment. While the regulation is being challenged in Federal court, it just makes common sense to delay the compliance deadlines until that matter is resolved.

As chairman of the Small Business Committee, I urge my colleagues to stand up for small brick manufacturers and support this bill. This is a jobs bill.

Again, I want to thank the gentleman from Ohio (Mr. JOHNSON) for his leadership in moving this bill forward.

Mr. RUSH. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gen-

tleman from Illinois has 21½ minutes remaining. The gentleman from Kentucky has 22½ minutes remaining.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Energy and Commerce Committee.

Mr. PALLONE. Mr. Speaker, I rise in opposition to the BRICK Act.

I agree with my colleagues that the brick, clay, and tile industries are in a tough position. The Bush administration issued final brick and clay emission standards—or Brick and Clay MACT standards—in 2003, 3 years after they were supposed to be completed.

Unfortunately, the rule was flawed and, when challenged, the court vacated those standards as unlawful. As a result, the EPA Administrator was able to redo the brick and clay rule.

I am sympathetic to the fact that the brick, clay, and tile industries have been facing some real challenges since 2007, when the housing market began to decline, but some proponents of this bill will have you believe that all of the challenges are a result of the improvements the industry must make to meet the 2015 Brick and Clay MACT rule. What they refuse to acknowledge are the real health benefits that will come with the reduction of several major air pollutants.

I understand the industry stakeholders' reluctance to make further investments in pollution control technology to comply with this rule, given their previous experience with the 2003 rule, but the Clean Air Act provides a number of remedies that are available to them.

The courts are the proper venue for resolving issues with the Brick and Clay MACT. To date, industry groups have filed lawsuits on the merits of the rule, but none of the interested parties have actually asked the court to stay the rule's compliance dates.

The industry can also ask EPA to reconsider the rule, which I understand has already happened. In fact, earlier this week industry groups asked the D.C. Circuit Court to postpone consideration of their pending lawsuits until EPA makes a decision on whether to reconsider the rule. Neither of those remedies require action by Congress, but a legislative quick fix is the only remedy the proponents of this bill appear to care about.

H.R. 4557 does not resolve the ongoing issues with this rule. In fact, it is far more likely to create a drawn-out rulemaking process fueled by an endless stream of court challenges. That wouldn't resolve any of the industry's problems with the Brick and Clay MACT rule.

The bill also sets, in my opinion, a terrible precedent by delaying all of the rule's compliance requirements until all legal actions are complete.

If this remedy sounds familiar, that is because it is. The majority included a similar provision in a bill we considered earlier in this Congress: H.R. 2042,

the Ratepayer Protection Act. I opposed that bill, and I oppose this one for the same reasons.

If we had included a litigation delay policy in the Clean Air Act, we would never have achieved the improvements in air quality and public health that we now enjoy.

The Clean Air Act provides ample opportunities for industry and the public to influence the development and implementation of regulations. These tools should be used in this case.

Finally, I do not support legislation to resolve the issues being raised by the bill's supporters. These issues can and should be resolved by the courts.

So I urge my colleagues to reject this attempt to get around the courts. I ask that they vote "no" on H.R. 4557.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Alabama (Ms. SEWELL), one of the original cosponsors of this legislation.

Ms. SEWELL of Alabama. Mr. Speaker, today I rise to voice my support for H.R. 4557, the BRICK Act.

I want to tell a story about a small company in my hometown of Selma, Alabama. Henry Brick Company has been a family-owned business since 1945, providing jobs and economic support to the Black Belt of Alabama.

In 2003, the EPA passed a rule requiring Henry Brick Company, along with all other brick and structural clay manufacturers, to reduce their air pollutant emissions.

In order to meet these new regulations by 2006, Henry Brick Company of Selma, Alabama, spent \$1.5 million to come into compliance with the rule. This was a major financial burden for this small company, but Henry Brick Company is a good corporate citizen and understands the importance of protecting our environment.

However, 1 year after they spent \$1.5 million, the courts vacated the EPA's 2003 regulation. So the EPA went back to the drawing board to create a new rule, but they did not give these brick companies credit for emission reductions achieved under the previous rule.

On the contrary, in their new rule, the EPA actually used the emission reductions achieved under the vacated rule as a baseline for further reduction requirements.

Now, Henry Brick Company faces a new brick and clay manufacturing rule with even stricter emissions requirements and must come into compliance by December 2018.

This time the small company may have to spend up to \$8 million to comply with the new emissions standards, leaving Henry Brick Company one step closer to being forced to close their doors.

I am supportive, Mr. Speaker, of reducing emissions, and I am also in favor of protecting our environment. But this must be done in an economically viable way. It is simply unfair for regulators to continue to move the goalposts on small brick manufacturers like Henry Brick Company.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WHITFIELD. I yield the gentlewoman an additional 1 minute.

Ms. SEWELL of Alabama. That is why I support this legislation to delay the enforcement of the new EPA rule until all of the legal challenges have been concluded.

This is a necessary and commonsense bill. I ask my colleagues to vote "yes" on final passage.

I want to thank Representative JOHNSON of Ohio and all of those that are working hard to make sure that small brick companies, like Henry Brick Company of Selma, Alabama, do not have to close its doors.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 4557, the BRICK Act.

Once again American businesses find themselves facing millions of dollars in compliance costs due to burdensome EPA regulations.

It is estimated that the EPA's Brick MACT rule may cost the brick and ceramics industry up to \$100 million per year, with the cost of compliance for the average facility at approximately \$4.4 million.

In addition, the industry will not be able to meet the requirement deadlines imposed by the rule, which is currently being challenged in Federal court.

The EPA's first attempt at a Brick MACT rule was judicially vacated, but not before the industry spent millions in compliance measures ultimately found to be invalid.

Small brick and ceramics businesses have been the hardest hit by the first rule, and if this situation repeats itself, many of these businesses will be forced to close their doors for good.

H.R. 4557 would provide much-needed regulatory relief to brick and ceramic businesses by stating that no additional compliance measures shall be mandated by the EPA until judicial review of the rule is completed.

I encourage my colleagues to support this bill, which will protect a vital industry and its thousands of jobs from potentially devastating regulatory uncertainty.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. KELLY).

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in support of the Blocking Regulatory Interference from Closing Kilns Act, or the BRICK Act.

Rules handed down by the EPA have real-world consequences on businesses and our economy. You have heard the backstory today regarding the 2015 Brick MACT standards and the impact it will have on the brick manufacturing industry.

In my district, Columbus Brick Company, a fifth-generation, family-owned small business, will be forced to spend millions of dollars in compliance costs

and significantly downsize or go out of business and tell 85 dedicated employees to find a new job. What is even more disappointing is that Columbus Brick has been forced to navigate this decision before.

The EPA promulgated Brick MACT standards in 2003, and then the rule was vacated by a Federal court in 2007, but not until a significant monetary investment had been made by Columbus Brick in an attempt to be in compliance. That is why it is imperative that we pass the BRICK Act today.

Companies like Columbus Brick aren't asking for zero regulation, but they are asking to be regulated fairly, to have a seat at the table in determining new rules, and some certainty when it comes to making future business decisions.

The American people deserve better. They deserve a government that can ensure citizens have clean air to breathe without eliminating essential industries.

That is why I urge you to support the BRICK Act. Let's wait until judicial review is complete so our businesses aren't forced to make unnecessary, costly decisions with minimal or unknown environmental benefits.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I don't know why we are even here debating this issue, which is an important issue, but not a prevailing issue. This is an issue that concerns one industry.

It is a concern that is already under consideration by the courts and by the administration. In fact, Mr. Speaker, it is a problem that is more appropriately addressed by those branches of government than by this Congress.

There are many other issues that this Congress has before it that it is our job to address. Yet, Mr. Speaker, we are not spending ample time on those things that are closely tied to the economic benefits and jobs for all Americans.

Our water infrastructure, Mr. Speaker, is in dire need of repair and maintenance. We spend little to no time on our water infrastructure and the problems associated with it.

We have Superfund sites and brownfield sites that need to be cleaned up and put to productive use. No time, no energy, no congressional resources are used to address these vital issues.

Our States need support for modernizing and hardening the electricity grid. We are AWOL on these issues.

And still, Mr. Speaker, many Americans are underemployed, unemployed, and underpaid for the work that they are doing.

□ 1115

Where is the time allocation, the resource allocation? Where are our efforts on behalf of these people?

All of these things, Mr. Speaker, particularly and especially the infrastructure issue, must be addressed by the Congress. There is no other place that

can address these issues as appropriately, as effectively, as efficiently, except this Congress. And these issues, these infrastructure issues affect every industry, every State, every American in our Nation.

So, Mr. Speaker, let us use this body's time and efforts on the critical issues that are of great importance to the American people. Mr. Speaker, our time could be better served if we would just address some of these prevailing issues of the day.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I will conclude my remarks over on this side. I was listening to the debate on the rule about this bill, and some people did make the comment that this was not a particularly important issue.

I might say to the 7,000 people employed in this industry, to the owners of the companies, this is very important because some of them may very well lose their business, may very well lose their jobs.

So we have two goals with this legislation. One is simply to say this regulation coming out of EPA needs to be considered by the courts before these companies are required to invest significant sums of money.

In fact, the industry itself has said that the average plant has two kilns, and a plant with two kilns would have to spend roughly \$4 million to meet the requirements of this regulation.

Now, remember, in 2003, EPA came out with a regulation for this industry and, by 2006, the industry had to comply. They did comply and they reduced emissions of the regulated substance by 96 percent.

We see a pattern developing at EPA. They know full well that this President would veto any legislation that changes in any way anything coming out of EPA, so the only avenue left to the regulated parties is to file a lawsuit.

So just as the brick industry filed a lawsuit in 2003 on that extreme regulation, they had to comply by 2006; and then the Court, in 2007, after they had already complied, ruled that the regulation was illegal, but the money had already been spent.

Now, the money has already been spent, 96 percent reduction has occurred, and now the EPA is coming back with a new regulation.

So these people involved, they have no avenue. I mean, they are talking to EPA, pleading with EPA, and EPA, as usual, is not responsive.

So all this legislation does is say, we are not trying to reverse the regulation, change the regulation. We are simply saying, let the Court decide.

And guess what?

A pattern is also developing over at EPA because they are losing these court cases.

Now, on the Clean Energy Plan, which was one of the most extreme reg-

ulations ever to come from EPA, 3 days before Judge Scalia died, the Supreme Court issued a stay on the Clean Energy Plan, saying that you cannot implement this plan until the judicial remedies have been exhausted.

Then, even under Utility MACT, that also went to the Supreme Court, and the Court said, well, you didn't consider certain costs; we are remanding this. But most of the industries have already spent the money, met the requirements, and some of them have closed as well.

So the question becomes, are we going to let an EPA adopting extreme rules under this administration make all the decisions?

Or will the Congress of the United States try to stand up and pass some legislation, not reversing, not changing, but simply saying, since lawsuits have been filed, let's give the Court the opportunity to determine if the regulation is legal or not legal?

So that is all we are doing here.

I want to thank those who introduced this legislation, both the Democrats and Republicans. And I would urge our colleagues to pass this legislation, to simply provide some commonsense balance, and let the courts make a decision before we require the companies to spend all this money and, in many cases, lay off employees and, in some cases, even close the business.

So I would urge the passage of H.R. 4557.

I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I voted against H.R. 4557, the Blocking Regulatory Interference from Closing Kilns Act of 2016, yet another bill in a series of Republican attempts to block EPA's ability to effectively regulate pollution in a way that protects our health and the environment.

H.R. 4557 would delay the enactment of an important rule limiting mercury and other hazardous pollution from clay and brick products production facilities. I was disappointed to see it pass the House, but I know that President Obama and Democrats in the Senate will ensure that this misguided bill does not become law this year.

The Clean Air Act requires the EPA to establish standards for pollution from all industrial sectors, and many other sectors are already complying to improve air quality. There is no reason to further delay this rule, and no reason for this legislation.

I am hopeful that House Republicans will drop its obsession with pro-pollution bills and allow us to get to work on a budget and bills that will improve the lives of Oregonians.

Mr. UPTON. Mr. Speaker, we have the opportunity today to help many struggling small businesses and the jobs they support by voting yes on H.R. 4557, the BRICK Act.

How did we get here? Last October, the EPA finalized an extremely stringent new rule for the brick making industry. Most of the companies that find themselves threatened by this rule are small businesses—many are family-owned—and the industry is still dealing with the effects of the recession and the weak recovery that continues to suppress demand for bricks and other building materials. Few, if any, brick makers can easily afford the esti-

mated \$4.4 million dollars it will take to bring a typical facility into compliance and the industry is currently challenging the rule in federal court.

The BRICK Act simply extends the compliance deadlines for the rule until after judicial review is complete. This commonsense step would prevent brick makers from having to initiate costly and potentially irreversible compliance steps—and in some cases shut their doors entirely and lay off workers—over a rule whose legality is still in question.

This is far from a hypothetical concern. EPA's last set of Brick standards in 2003 were vacated by a federal court in 2007, but by that time the industry had already been forced to spend millions on compliance. None of us want to see that happen again. It's a matter of fairness. It's a matter of commonsense.

For the sake of brick makers and their thousands of employees across the country, including nearly 2,000 in Michigan I urge my colleagues to vote yes on the BRICK Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 635, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WHITFIELD. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 163, not voting 32, as follows:

[Roll No. 109]

YEAS—238

Abraham	Cole	Flores
Aderholt	Collins (GA)	Forbes
Allen	Collins (NY)	Fortenberry
Amash	Comstock	Fox
Amodei	Conaway	Franks (AZ)
Ashford	Cook	Frelinghuysen
Babin	Cooper	Gibbs
Barletta	Costello (PA)	Gibson
Bilirakis	Cramer	Gohmert
Bishop (GA)	Crawford	Goodlatte
Bishop (MI)	Crenshaw	Gosar
Bishop (UT)	Cuellar	Gowdy
Black	Culberson	Granger
Blackburn	Curbelo (FL)	Graves (LA)
Blum	Davis, Rodney	Graves (MO)
Bost	Denham	Griffith
Boustany	Dent	Grothman
Brady (TX)	DeSantis	Guinta
Brat	DesJarlais	Guthrie
Bridenstine	Diaz-Balart	Hanna
Brooks (AL)	Dold	Hardy
Brooks (IN)	Donovan	Harper
Buchanan	Duffy	Harris
Buck	Duncan (SC)	Hartzler
Bucshon	Duncan (TN)	Heck (NV)
Byrne	Ellmers (NC)	Hice, Jody B.
Calvert	Emmer (MN)	Hill
Carter (GA)	Farenthold	Holding
Carter (TX)	Fincher	Hudson
Chaffetz	Fitzpatrick	Huelskamp
Clawson (FL)	Fleischmann	Huizenga (MI)
Coffman	Fleming	Hultgren

Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica

Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
MacArthur
Marchant
Marino
Massie
McCarthy
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica

Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres

Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz

Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

The question is on the Speaker's approval of the Journal.
The SPEAKER pro tempore. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WHITFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 154, answered “present” 1, not voting 61, as follows:

[Roll No. 110]
AYES—217

Abraham	Garrett	Palmer
Adams	Goodlatte	Pelosi
Allen	Gowdy	Perlmutter
Ashford	Graham	Pingree
Barletta	Griffith	Pocan
Barr	Guthrie	Polis
Becerra	Hahn	Posey
Beyer	Hardy	Price (NC)
Bilirakis	Harper	Ratcliffe
Bishop (GA)	Harris	Ribble
Bishop (MI)	Hartzler	Roby
Bishop (UT)	Hastings	Rogers (KY)
Black	Heck (WA)	Rohrabacher
Blackburn	Himes	Rooney (FL)
Bonamici	Huffman	Ross
Boustany	Hultgren	Rothfus
Brady (TX)	Issa	Royce
Brat	Jeffries	Ruiz
Bridenstine	Johnson (GA)	Ruppersberger
Brooks (AL)	Johnson, E. B.	Russell
Brooks (IN)	Johnson, Sam	Salmon
Brown (FL)	Jolly	Sanford
Buchanan	Kaptur	Scalise
Bustos	Katko	Schiff
Butterfield	Kelly (IL)	Schrader
Calvert	Kelly (MS)	Schweikert
Capps	Kelly (PA)	Scott (VA)
Carson (IN)	Kennedy	Scott, Austin
Carter (TX)	Kildee	Scott, David
Castro (TX)	King (NY)	Sensenbrenner
Chabot	Kline	Serrano
Chu, Judy	Kuster	Sessions
Cicilline	Labrador	Sewell (AL)
Cicilline	LaHood	Sherman
Clark (MA)	LaMalfa	Shimkus
Clay	Lamborn	Shuster
Cleaver	Latta	Sinema
Cole	Lipinski	Slaughter
Collins (NY)	Lofgren	Smith (NE)
Comstock	Long	Smith (NJ)
Cooper	Loudermilk	Smith (TX)
Cramer	Lowenthal	Stefanik
Crenshaw	Lucas	Stewart
Cuellar	Luetkemeyer	Stutzman
Culberson	Lujan Grisham	Takai
Davis (CA)	(NM)	Takano
Davis, Danny	DeGette	Thornberry
DeGette	DeLauro	Titus
DeLauro	DelBene	Torres
DelBene	Dent	Tsongas
Dent	DeSaulnier	Upton
DesJarlais	DesJarlais	Van Hollen
Deutch	Marino	Wagner
Diaz-Balart	Massie	Walden
Dingell	McCarthy	Walorski
Doggett	McClintock	Walters, Mimi
Donovan	McCollum	Walz
Doyle, Michael	McHenry	Wasserman
F.	McMorris	Schultz
Duckworth	Rodgers	Webster (FL)
Duncan (SC)	McNerney	Welch
Emmer (MN)	Meadows	Wenstrup
Engel	Meeks	Whitfield
Eshoo	Meng	Williams
Esty	Moolenaar	Wilson (FL)
Fitzpatrick	Mooney (WV)	Wilson (SC)
Fleischmann	Moulton	Wilson (FL)
Fortenberry	Mullin	Wilson (SC)
Foster	Murphy (FL)	Wittman
Frankel (FL)	Nadler	Womack
Franks (AZ)	Neugebauer	Yarmuth
Frelinghuysen	Newhouse	Young (IA)
Gabbard	Noem	Young (IN)
Gallo	Nunes	Zeldin
Garamendi	O'Rourke	Zinke
	Olson	

NOT VOTING—32

Barr
Barton
Beatty
Benishke
Burgess
Cárdenas
Chabot
Cleaver
Costa
Edwards
Garrett

Graves (GA)
Green, Gene
Hensarling
Herrera Beutler
Hinojosa
Hoyer
Kirkpatrick
McCaul
Moore
Mulvaney
Napolitano

Pascrell
Price, Tom
Richmond
Roybal-Allard
Sanchez, Loretta
Scott, David
Smith (WA)
Speier
Thompson (PA)
Westmoreland

□ 1140

Ms. ROS-LEHTINEN, Messrs. MARCHANT and ZELDIN changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARR. Mr. Speaker, on rollcall No. 109, I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. TOM PRICE of Georgia. Mr. Speaker, on rollcall No. 109, I was unavoidably detained. Had I been present, I would have voted “yes.”

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent on Thursday, March 3, 2016. Had I been present, I would have voted in the following ways:

Vote “no” on rollcall No. 106—Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 4557.

Vote “no” on rollcall No. 107—H. Res. 635—Rule providing for consideration of H.R. 4557—Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2016.

Vote “yes” on rollcall No. 108—S. 1826—To designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James “Maggie” Megellas Post Office.

Vote “no” on rollcall No. 109—Passage of H.R. 4557—Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2016.

PERSONAL EXPLANATION

Mr. MCCAUL. Mr. Speaker, I was absent for votes due to official business outside of Washington, D.C.

If I were present, I would vote in the following manner on the following votes:

(1) Previous Question—“yes.”

(2) Adoption of the Rule—“yes.”

(3) S. 1826—To designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James “Maggie” Megellas Post Office—“yes.”

(4) H.R. 4557, Blocking Regulatory Interference from Closing Kilns Act—“yes.”

THE JOURNAL

The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

NAYS—163

Adams
Aguilar
Bass
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Cappert
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Duckworth
Ellison

Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowey

Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Neal
Nolan
Norcross
O'Rourke
Pallone
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sherman
Sires
Slaughter